

REVISION TO THE NEW MEXICO STATE IMPLEMENTATION PLAN  
PERTAINING TO 20.2.7 NMAC, *Excess Emissions*

September 9, 2016

**SIP COMPLETENESS CHECKLIST**  
for regular processing  
(per 40 CFR 51 Appendix V)

2.1 Administrative Materials

- (a) A formal letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision thereof (hereafter "the plan").

☒X YES    ☐NO ☐N/A

*The package is being sent with a formal submittal letter from the designee of Governor of New Mexico.*

- (b) Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter "document") in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.

☒X YES    ☐NO    ☐N/A

*The SIP revision with respect to 20.2.7 NMAC Excess Emissions (Part 7) was adopted at the September 9, 2016 meeting and hearing for the New Mexico Environmental Improvement Board. The revision entailed inserting non-regulatory annotations at the end of the affected sections of Part 7 stating the affected section is not federally enforceable and is not included as a part of New Mexico's State Implementation Plan, see Attachment E and NMED Exhibit 5 in Attachment H.*

- (c) Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.

☒X YES    ☐NO ☐N/A

*The New Mexico Air Quality Control Act provides for regulation at 74-2-5.1 NMSA 1978, Duties and powers of the department and the local agency; and for plan revisions at 74-2-5.2 NMSA 1978, State air pollution control agency; specific duties and powers of the department.*

- (d) A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made to the existing approved plan, where applicable. The submittal shall be a copy of the official State regulation/document signed, stamped, dated by the appropriate

State official indicating that it is fully enforceable by the State. The effective date of the regulation/document shall, whenever possible, be indicated in the document itself.

☒ YES    ☐ NO ☐ N/A

*The signed Statement of Reasons, Attachment C, approves the petition from the NMED to revise the SIP with respect to removing affected sections of Part 7, as addressed in the SSM SIP Call, and other related sections from Part 7. This was a SIP revision that required EIB approval. These were non-regulatory revisions to Part 7 that entailed adding non-regulatory to the end of the affected sections stating the affected section is not federally enforceable and is not included as a part of New Mexico's State Implementation Plan thus retaining the affected sections as state only regulations. There were no regulatory changes made to Part 7. These revisions to Part 7 can be found in Attachment D and NMED Exhibit 5.*

- (e) Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

☒ YES    ☐ NO ☐ N/A

*The New Mexico Air Quality Control Act at 74-2-6C NMSA 1978 Adoption of regulations; notice and hearings, requires 30-day public notice of a rulemaking hearing. 20.1.301 NMAC, Notice of Hearings, provides that: "Unless otherwise allowed by governing law and specified by the board, the board shall give public notice of the hearing at least sixty (60) days prior to the hearing. Hearing 16-03(R) was not a rulemaking hearing, and as allowed by the governing body, there was only a thirty (30) day required hearing notice as found in the Procedural Order, Attachment I.*

- (f) Evidence that public notice was given of the proposed change consistent with procedures approved by EPA; including the date of publication of such notice.

☒ YES    ☐ NO ☐ N/A

*NMED Exhibit 16, found in Attachment H, provides evidence that the hearing notices were published in the "newspaper of general circulation in the area affected," since this was not a regulatory hearing, publication in the New Mexico Register was not a requirement. The hearing notices were published in both English and in Spanish on July 10, 2016, in the Albuquerque Journal. The NMED held three public information meetings at three locations within the state and three public comment meetings at the same locations on the draft revisions to Part 7.*

- (g) Certification that public hearing(s) were held in accordance with the information

provided in the public notice and the State's laws and constitution, if applicable.

☒ YES    ☐ NO ☐ N/A

*The opening statement for the September 9, 2016 hearing on how the hearing will be conducted, see hearing transcript.*

- (h)    Compilation of public comments and the State's response thereto.

☒ YES    ☐ NO ☐ N/A

*EPA Region VI provided comments supporting the NMED's proposed SSM SIP Call revisions to 20.2.7 NMAC Excess Emissions as found in Attachment G, NMED Exhibit 15. The NMED held three public information meetings to gather input from the general public and industry on the SIP revisions. A summary of the comments received can be found in Attachment G, NMED Exhibit 5, Spillers Direct Testimony on page 12. These meetings were for information gathering purposes only on the SSM SIP Call. Comments received during the public comment meetings on the draft SIP revisions were positive, with those in attendance in favor of the Department's proposal to remove the affected sections from the SIP while maintaining them as state-only provisions.*

## 2.2 Technical Support

- (a)    Identification of all regulated pollutants affected by the plan.

☐ YES    ☐ NO ☒ N/A

- (b)    Identification of the locations of affected sources including the EPA attainment/nonattainment designation of the locations and the status of the attainment plan for the affected area(s).

☐ YES    ☐ NO ☒ N/A

- (c)    Quantification of the changes in plan-allowable emissions from the affected sources; estimates of changes in current actual emissions from affected sources or, where appropriate, quantification of changes in actual emissions from affected sources through calculations of the differences between certain baseline levels and allowable emissions anticipated as a result of the revision.

☐ YES    ☐ NO ☒ N/A

- (d) The State's demonstration that the national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented. For all requests to redesignate an area to attainment for a national primary ambient air quality standard, under Section 107 of the Act, a revision must be submitted to provide for the maintenance of the national primary ambient air quality standards for at least 10 years as required by section 175A of the Act.

☒ YES      ☐ NO      ☐ N/A

*The Department has submitted, along with the Governor Designee letter, a section 110(l) analysis for the New Mexico SSM-related SIP Revisions, this demonstration can be found in Attachment C.*

- (e) Modeling information required to support the proposed revision, including input data, output data, models used, justification of model selections, ambient monitoring data used, meteorological data used, justification for use of offsite data (where used), modes of models used, assumptions, and other information relevant to the determination of adequacy of the modeling analysis.

☐ YES      ☐ NO      ☒ N/A

- (f) Evidence, where necessary, that emission limitations are based on continuous emission reduction technology.

☐ YES      ☐ NO      ☒ N/A

- (g) Evidence that the plan contains emission limitations, work practice standards and record keeping/reporting requirements, where necessary, to ensure emission levels.

☐ YES      ☐ NO      ☒ N/A

- (h) Compliance/enforcement strategies, including how compliance will be determined in practice.

☐ YES      ☐ NO      ☒ N/A

- (i) Special economic and technical justification required by any applicable EPA policies, or an explanation of why such justifications are not necessary.

☐ YES      ☐ NO      ☒ X\_ N/A